

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK:

Index No. 07 CIV 8628

X

GUISHAN, INC. d/b/a MISTER SOFTEE
and MISTER SOFTEE, INC.

V.

E. PIEDAD RIVERA d/b/a MISTER SOFTEE
ET AL.

X

State of New York)
County of Bronx) ss:

NOT FOUND OR NON-SERVICE RETURN

I, Charles S. Flemming, being duly sworn, depose and say
that I am at least 18 years of age and not a party to the above action, and reside at
Sedgwick Avenue, Suite 8P, Bronx, NY 10453. I attempted to serve the following:

SUMMONS AND COMPLAINT

And that after due search, careful inquiry and diligent attempts at the residence:

1805 CROTONA AVENUE, APT. 17D
BRONX, NY 10474

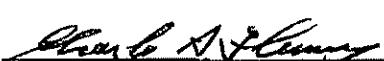
I have been unable to make delivery of said process on the within named: HAYDEE CORDON because the person is no longer at that address.

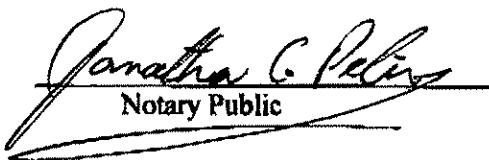
Process is being returned without service for the following reasons:

From October 12, 2007 to October 23, 2007 at various times during the day and evening, I attempted service several times with no response at the apartment. On October 23rd a lady did answer the door and said in Spanish that she did not know Haydee Cordon. She would not give her name. I spoke with several neighbors, but only one admitted to knowing him, and he said that he thought that he had moved last year. I eventually checked with the building owner, 2345 Associates, Inc of 800 Central Park Avenue, Scarsdale, NY, but all they would say is that he not listed as a current tenant. We cross checked him through our skip-trace data base, which indicated that he moved from that address in about March of 2006, but no new address was available.

Sworn To Before me this

23 Day of October, 2007


Charles S. Flemming
Licence P.S. No. 1179950


Jonathan C. Peters
Notary Public

JONATHAN C. PETERS
NOTARY PUBLIC STATE OF NEW YORK
NO: 01PE6134884
QUALIFIED IN KINGS COUNTY
COMMISSION EXPIRES OCTOBER 11th, 2009